

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**ORDER**

APPLICATION 13239

PERMIT 7849

LICENSE 5140

ORDER ALLOWING CHANGE IN POINT OF DIVERSION AND AMENDING THE LICENSE

WHEREAS:

1. License 5140 was issued to Olive E. Mansur and was filed with the County Recorder of Sacramento County on June 9, 1958.
2. An order allowing a change in point of diversion and place of use was granted on July 12, 1978 and was filed with the County Recorder of Sacramento County.
3. License 5140 was subsequently assigned to All State Packers.
4. A petition to change the point of diversion has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
5. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
6. The license condition pertaining to the continuing authority of the Board should be updated to conform to Standard Term 12 as contained in Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The condition of this license regarding the point of diversion is amended to read as follows:

Location of Point of Diversion:

North 2,950 feet and East 2,000 feet from the SW corner of projected Section 33, T5N, R4E, MDB&M; being within the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section. Also described as California Coordinate System, Zone 2, North 635,700 and East 2,129,100.

(0000002)

2. The continuing authority condition of this license shall be amended to read:

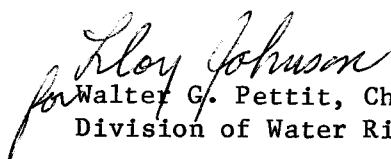
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: NOVEMBER 23 1988

  
for Walter G. Pettit, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 13239

PERMIT 7849

LICENSE 5140

ORDER ALLOWING CHANGE IN POINT OF DIVERSION AND CORRECTING DESCRIPTION  
OF PLACE OF USE

WHEREAS:

1. A petition for change in point of diversion under License 5140 has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
2. License 5140 was issued to Olive E. Mansur and was filed with the County Recorder of Sacramento County on June 9, 1958.
3. License 5140 was subsequently assigned to Robert E. and Gertrude P. Collins.
4. The Board has determined that this change in point of diversion will not operate to the injury of any other legal user of water involved.

NOW, THEREFORE, IT IS ORDERED:

1. That permission is hereby granted to change the point of diversion under License 5140 to a point of diversion described as follows:

North 2,900 feet and west 2,800 feet from the SE corner of Section 33, T5N, R4E, MDB&M, being with the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 33.

2. That the description of the place of use under License 5140 be corrected to read as follows:

37 acres within the E $\frac{1}{2}$  of SW $\frac{1}{4}$  of Section 33, T5N, R4E, MDB&M.

Dated: JULY 12 1978



Clint Whitney, Executive Director  
Water Rights and Administration

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STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 13239

PERMIT 7849

LICENSE 5140

THIS IS TO CERTIFY, That

Olive E. Mansur  
Route 3, Box 238  
Hemet, California

has made proof as of May 2, 1955.

(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of  
Sacramento River in Sacramento County

tributary to Suisun Bay

for the purpose of irrigation use  
under Permit 7849 of the State Water Rights Board and that said right to the use of said water has been  
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the  
terms of the said permit; that the priority of the right herein confirmed dates from July 19, 1949  
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed twenty-six hundredths (0.26)  
cubic foot per second to be diverted from about June 1 to about October 1 of each  
year.

The equivalent of such continuous flow allowance for any thirty-day period  
may be diverted in a shorter time if there be no interference with other vested  
rights.

The point of diversion of such water is located:  
South seventy-nine degrees fifty-seven minutes west (S79°57'W) seventy-five (75) feet  
from SW corner of Sacramento County Swamp and Overflow Land Survey No 327, being  
within NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 33, T5N, R4E, MDB&M.

A description of the lands or the place where such water is put to beneficial use is as follows:

35 acres within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 33, T5N, R4E, MDB&M.  
2 acres within NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 33, T5N, R4E, MDB&M

Issuance of this License shall not operate to the prejudice of any prior rights,  
including rights acquired by the United States for the Central Valley Project  
involving flows, whether or not released from storage, which though not presently  
applied to beneficial use may hereafter be applied thereto pursuant to such prior  
rights.

All rights and privileges under this license including method of diversion, method of use and quantity of water  
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the  
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of  
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time  
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein  
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JUN 6 1958

STATE WATER RIGHTS BOARD

By Leslie C. Johnson  
LESLIE C. JOHNSON  
Chief Engineer

5-16-74

RECEIVED NOTICE OF ASSIGNMENT TO

Robert E. & Gertrude P. Collins

2-5-88 cgd to All State Packers;

12/12/95 Assigned to All-State Packers - 5140

LICENSE 5140

STATE OF CALIFORNIA

STATE WATER RIGHTS BOARD

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Olive E. Mansur

DATED JUN 6 1958

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